

A/N 09/814,415

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert George Gilde et al.	Examiner:	Yemane M. Gerezgiher
Serial No.:	09/814,415	Group Art Unit:	2144
Filed:	March 21, 2001	Docket No.:	50002.7USU1
Title:	METHOD AND SYSTEM FOR OPTIMIZING A NETWORK BY INDEPENDENTLY SCALING CONTROL SEGMENTS AND DATA FLOW		

**SUPPLEMENTAL AFFIDAVIT FOR DECLARATION UNDER 37 CFR 1.131**

I, Paul Szabo, a citizen of the United States of America and resident of the state of Washington, declare:

1. I am an employee of F5 Networks, Inc., which is the assignee of a pending patent application (U.S. Application No. 09/814,415), filed March 21, 2001, and claiming the benefit under 35 USC §119(e) of U.S. Provisional Application No. 60/191,019, filed March 21, 2000, and entitled "METHOD AND SYSTEM FOR OPTIMIZING A NETWORK BY INDEPENDENTLY SCALING CONTROL SEGMENTS AND DATA FLOW").

2. I am a software design engineer employed in designing, verifying, and maintaining code for networking systems and, in particular, routing systems. More particularly, I have worked extensively on the code associated with the instant application as an engineer and have the personal knowledge and professional expertise to provide facts and opinions concerning the associated code and procedures of the assignee.

3. I have examined both the source control logs (that maintain configuration and versioning for the associated code as it has been developed) and the actual versions of the code that existed at and before July 2, 1999 (which I understand is the "critical date"). The source control logs are produced and maintained by "CVS" software that is provided

by a third party software provider. Using this system, I have produced screen shots that show the code as it existed before the critical date and which revisions of the code existed at that time. (see Exhibit B of the associated Declaration and this Supplemental Affidavit.

4. For example, page 1 of Exhibit I (of this Supplemental Affidavit), shows the version of the code for "ssmb"-related code that existed at a particular date (that is before the critical date.)

5. The source control logs also show when each and every change in software is checked into the system. The software logs show changes in the code starting from March 16, 1999 and up through the critical date. Substantial changes to the code were checked into this system at least several times every month, which show that the code was being diligently worked on through this time.

6. As shown below (see paragraphs 9-19), I have examined each of the claim elements and determined that code exists for each and every claim limitation listed herein for a version of the software that existed before the critical date.

7. Furthermore, I have examined the associated code and verified that each and every claim limitation was associated with code that was substantially working for its intended purpose at or before the critical date by examining versions of the code as it existed before the critical date.

8. The figures contained in Exhibit A of the accompanying Declaration comprise redacted slides of a presentation made in our Seattle, Washington office February 18, 1999. The figures show limitations of the independent claim 1 and the limitations of

most of the dependent claims. Accordingly, the software control logs (and other evidence) show that the inventive acts occurred in United States.

9. Exhibit B (of the accompanying Declaration) shows code that is used to implement the invention of the instant application. In particular, the code shows for an apparatus for directing communications over a network. The code in Exhibit B includes (a) a control component (page 1: lib\_ssmb.c, v1.1.2.1, lines 362—408) that receives a data flow requesting a resource and determines when the data flow is unassociated with a connection to a requested resource (page 2, lib\_ssmb.c, v1.1.2.1, lines 442—473), wherein the control component associates a selected connection to the requested resource when the control component determines the data flow is unassociated with the connection to the requested resource (pages 3-4, lib\_ssmb.c, v 1.1.2.1, lines 474 - 562). The CS performs payload translation, which associates selected connections to the requested resources. The exhibit also shows (b) a switch component that employs the connection associated with the data flow to direct the data flow to the requested resource (page 5, printers.c, v1.1.2.1, lines 84-144), wherein a capacity of the switch component and a capacity of the control component are independently scalable to support the number of data flows that are directed to requested resources over the network (page 6, lib\_ssmb.c, v1.1.2.1 lines 410-440).


10. The exhibit shows a control component that employs a buffer to list each data flow that is associated with the connection to the requested resource (page 7, bigip\_internal.h, v1.114.2.7.4.2.4.1, lines 517 - 577).

11. The exhibit shows a control component that employs a table to list each data flow associated with the connection to the requested resource (page 8, `bigip_internal.h`, v1.114.2.7.4.2.4.1, lines 630-650).
12. The exhibit shows a control component that categorizes a plurality of data packets for each data flow (page 9, `t_find.c`, v1.35, lines 159-186).
13. The exhibit shows a control component that determines when an event associated with the data flow occurs (page 10, `lib_ssmb.c`, v 1.1.2.1, lines 364-408).
14. The exhibit shows a control component that categorizes each event (page 10, `lib_ssmb.c`, v 1.1.2.1, lines 364-408).
15. The exhibit shows a flow signature that is associated with the data flow, where the flow signature is compared to a set of rules for handling each data flow that is associated with the connection to the requested resource (pages 3-4, `lib_ssmb.c`, v 1.1.2.1, lines 465-562).
16. The exhibit shows a flow signature that includes information about a source and a destination for each data packet in the data flow (pages 3-4, `lib_ssmb.c`: v 1.1.2.1, lines 525-536).
17. The exhibit shows a flow signature that is associated with a timestamp (page 7, `bigip_internal.h`, v1.114.2.7.4.2.4.1, lines 517 – 577, see line 528).
18. The exhibit shows a switch component that collects metrics regarding each connection to each resource (page 11, `agent.c`, v1.1.2.1, lines 85-119, see lines 110-112).
19. The exhibit shows a server array controller that includes the action of the control component and switch component (pages 1-11 above, as well as page 12, README,

v1.1.2.1, lines 1-23, showing inclusion of the implementing code in a single data structure).

20. I, the undersigned witness, declare that all statements herein made of mine own knowledge are true and that all statements are made on information and belief and are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

6/16/05  
Date

  
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